

STATE OF NEW YORK

2629--A

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

Introduced by Sens. MAY, COONEY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "safe schools by design act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "safe schools by design act".

3 § 2. The opening paragraph of subdivision 6 of section 3602 of the
4 education law, as amended by chapter 355 of the laws of 2016, is amended
5 to read as follows:

6 Any apportionment to a school district pursuant to this subdivision
7 shall be based upon base year approved expenditures for capital outlays
8 incurred prior to July first, two thousand one from its general fund,
9 capital fund or reserved funds and current year approved expenditures
10 for debt service, including debt service for refunding bond issues
11 eligible for an apportionment pursuant to paragraph g of this subdivi-
12 sion and lease or other annual payments to the New York city educational
13 construction fund created by article ten of this chapter or the city of
14 Yonkers educational construction fund created by article ten-B of this
15 chapter which have been pledged to secure the payment of bonds, notes or
16 other obligations issued by the fund to finance the construction, acqui-
17 sition, reconstruction, rehabilitation or improvement of the school
18 portion of combined occupancy structures, or for lease or other annual
19 payments to the New York state urban development corporation created by
20 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
21 eight, pursuant to agreement between such school district and such
22 corporation relating to the construction, acquisition, reconstruction,
23 rehabilitation or improvement of any school building, or for annual

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 payments to the dormitory authority pursuant to any lease, sublease or
2 other agreement relating to the financing, refinancing, acquisition,
3 design, construction, reconstruction, rehabilitation, improvement,
4 furnishing and equipping of, or otherwise provide for school district
5 capital facilities or school district capital equipment made under the
6 provisions of section sixteen hundred eighty of the public authorities
7 law, or for annual payments pursuant to any lease, sublease or other
8 agreement relating to the financing, refinancing, acquisition, design,
9 construction, reconstruction, rehabilitation, improvement, furnishing
10 and equipping of, or otherwise providing for educational facilities of a
11 city school district under the provisions of section sixteen of chapter
12 six hundred five of the laws of two thousand, or for payments, pursuant
13 to any assignment authorized by section twenty-seven hundred ninety-
14 nine-tt of the public authorities law, of debt service in furtherance of
15 funding the five-year educational facilities capital plan of the city of
16 New York school district or related debt service costs and expenses as
17 set forth in such section, for annual payments pursuant to any lease,
18 sublease or other agreement relating to the financing, refinancing,
19 design, reconstruction, rehabilitation, improvement, furnishing and
20 equipping of, or otherwise providing for projects authorized pursuant to
21 the city of Syracuse and the board of education of the city school
22 district of the city of Syracuse cooperative school reconstruction act,
23 for annual payments pursuant to any lease, sublease or other agreement
24 relating to the financing, refinancing, design, reconstruction, rehabil-
25 itation, improvement, furnishing and equipping of, or otherwise provid-
26 ing for projects authorized pursuant to the city of Rochester and the
27 board of education of the city school district of the city of Rochester
28 school facilities modernization program act, for annual payments pursu-
29 ant to any lease, sublease or other agreement relating to the financing,
30 refinancing, design, construction, reconstruction, rehabilitation,
31 improvement, furnishing and equipping of, or otherwise providing for
32 projects authorized pursuant to the Yonkers city school district facili-
33 ties modernization program act, or for lease, lease-purchase or other
34 annual payments to another school district or person, partnership or
35 corporation pursuant to an agreement made under the provisions of
36 section four hundred three-b, subdivision eight of section twenty-five
37 hundred three, or subdivision six of section twenty-five hundred fifty-
38 four of this chapter, provided that the apportionment for such lease or
39 other annual payments under the provisions of section four hundred
40 three-b, subdivision eight of section twenty-five hundred three, or
41 subdivision six of section twenty-five hundred fifty-four of this chap-
42 ter, other than payments under a lease-purchase agreement or an equiv-
43 alent agreement, shall be based upon approved expenditures in the
44 current year. Approved expenditures for capital outlays from a school
45 district's general fund, capital fund or reserved funds that are
46 incurred on or after July first, two thousand two, and are not aidable
47 pursuant to subdivision six-f of this section, shall be aidable as debt
48 service under an assumed amortization established pursuant to paragraphs
49 e and j of this subdivision. In any such case approved expenditures
50 shall be only for new construction, reconstruction, purchase of existing
51 structures, for site purchase and improvement, for new garages, for
52 original equipment, furnishings, machinery, or apparatus, and for
53 professional fees and other costs incidental to such construction or
54 reconstruction, or purchase of existing structures. In the case of a
55 lease or lease-purchase agreement entered pursuant to section four
56 hundred three-b, subdivision eight of section twenty-five hundred three

1 or subdivision six of section twenty-five hundred fifty-four of this
2 chapter, approved expenditures for the lease or other annual payments
3 shall not include the costs of heat, electricity, water or other utili-
4 ties or the costs of operation or maintenance of the leased facility. An
5 apportionment shall be available pursuant to this subdivision for
6 construction, reconstruction, rehabilitation or improvement in a build-
7 ing, or portion thereof, being leased by a school district only if the
8 lease is for a term of at least ten years subsequent to the date of the
9 general construction contract for such construction, reconstruction,
10 rehabilitation or improvement. Each school district shall prepare a five
11 year capital facilities plan, pursuant to regulations developed by the
12 commissioner for such purpose, provided that in the case of a city
13 school district in a city having a population of one million inhabitants
14 or more, such facilities plan shall comply with the provisions of
15 section twenty-five hundred ninety-p of this chapter and this subdivi-
16 sion. Such plan shall include, but not be limited to, a building inven-
17 tory, and estimated expense of facility needs, for new construction,
18 additions, alterations, reconstruction, major repairs, energy consump-
19 tion and maintenance by school building, as appropriate. Such plan shall
20 consider the incorporation of design principles and strategies, pursuant
21 to guidance issued by the commissioner, as part of a comprehensive
22 approach to provide a safe, secure and healthy school environment. Such
23 five year plan shall include a priority ranking of projects and shall be
24 amended if necessary to reflect subsequent on-site evaluations of facil-
25 ities conducted by state supported contractors.

26 § 3. Paragraph a of subdivision 1 of section 2814 of the education
27 law, as added by chapter 181 of the laws of 2000, is amended to read as
28 follows:

29 a. School safety activities. Programs eligible for funding pursuant to
30 this section may include, but not be limited to: (i) safe corridors
31 programs; (ii) diversity programs; (iii) collaborative school safety
32 programs with law enforcement agencies or community-based organizations;
33 (iv) metal detectors, intercom and other intra-school communication
34 devices and other devices to increase school security and the safety of
35 school personnel and students; (v) programs which facilitate and promote
36 community involvement in school facility planning; and (vi) other
37 programs including comprehensive school-based intervention models,
38 approved by the commissioner, that reduce violence and improve school
39 safety. Comprehensive school based intervention models shall coordinate
40 with and collaborate with other services currently being provided in the
41 school district, incorporate appropriate school violence prevention and
42 intervention services, and coordinate appropriate funding sources to
43 ensure the efficient delivery of services. Such comprehensive school-
44 based intervention models shall also include provisions for the involve-
45 ment of teachers, parents, school administrators in the development and
46 implementation of the program, a detailed statement identifying specific
47 performance goals, a proposed timetable for implementation and achieve-
48 ment of such goals and specific assessment methods which will be used to
49 measure student and school progress.

50 § 4. This act shall take effect eighteen months after it shall have
51 become a law. Effective immediately, the addition, amendment, and/or
52 repeal of any rule or regulation necessary for the implementation of
53 this act on its effective date are authorized to be made and completed
54 on or before such effective date.